

# DECLARATION, PETITION AND POWER OF ATTORNEY FOR PATENT APPLICATION

(Check one):

- ☐ Declaration Submitted with Initial Filing
- ☒ Declaration Submitted after Initial Filing

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## SYNERGISTIC GOLD-CONTAINING COMPOSITIONS

the specification of which (check one):

- ☐ is attached hereto.
- OR
- ☒ was filed on **04 November 1997** as PCT International Application Number  
PCT/AU97/00747
- ☐ and was amended by PCT Article 19 Amendment on \_\_\_\_\_  
(if applicable),
- ☒ and was amended by PCT Article 34 Amendment on **22 September 1998**  
(if applicable).

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

# PRIORITY CLAIM

(Check one):

- ☐ no such applications have been filed.
- ☒ such applications have been filed as follows

**1) FOREIGN PRIORITY CLAIM:** I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (dd/mm/yyyy)	Priority Not Claimed	Certified Copy Attached	
				Yes	No
PO 3473	AU	04 Nov 1996 (04.11.96)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto.

**2) PROVISIONAL PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Provisional Application Number(s)	Filing Date (dd/mm/yyyy)

☐ Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

**3) U.S./PCT PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code, §120 of any United States application or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (dd/mm/yyyy)	Parent Patent Number (if applicable)
	PCT/AU97/00747	04 November 1997 (04.11.97)	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

# **POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

W. Hugo Liepmann	Reg. No. 20,407	Lawrence E. Monks	Reg. No. 34,224
James E. Cockfield	Reg. No. 19,162	David A. Lane, Jr.	Reg. No. 39,261
Thomas V. Smurzynski	Reg. No. 24,798	Catherine J. Kara	Reg. No. 41,106
Ralph A. Loren	Reg. No. 29,325	Linda M. Chinn	Reg. No. 31,240
Giulio A. DeConti, Jr.	Reg. No. 31,503	Faustino A. Lichauco	Reg. No. 41,942
Ann Lamport Hammitte	Reg. No. 34,858	Jeanne M. DiGiorgio	Reg. No. 41,710
Elizabeth A. Hanley	Reg. No. 33,505	Megan E. Williams	Reg. No. 43,270
Amy E. Mandragouras	Reg. No. 36,207	Nicholas P. Triano III	Reg. No. 36,397
John V. Bianco	Reg. No. 36,748	Peter C. Lauro	Reg. No. 32,360
Anthony A. Laurentano	Reg. No. 38,220	Reza Mollaaghababa	Reg. No. 43,810
Jane E. Remillard	Reg. No. 38,872	Timothy J. Douros	Reg. No. 41,716
Jeremiah Lynch	Reg. No. 17,425	John L. Welch	Reg. No. 28,129
Kevin J. Canning	Reg. No. 35,470	DeAnn F. Smith	Reg. No. 36,683
		William D. DeVaul	Reg. No. 42,483

Send Correspondence to:

**Jane E. Remillard, Lahive & Cockfield, LLP, 28 State Street, Boston, Massachusetts 02109, United States of America**

Direct Telephone Calls to: (name and telephone number)

**Jane E. Remillard, (617) 227-7400**

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor <b>Richard Edward THOMAS</b>	
Inventor's signature	Date
Residence <b>14 Parnell Street, Killara, NSW 2071, Australia</b>	
Citizenship <b>Australia</b>	
Post Office Address (if different) <b>same as above</b>	

Applicant or Patentee: Richard E. THOMAS  
Serial or Patent No.: U.S. National Phase of PCT/AU97/00747  
Filed or Issued: 04 November 1997  
Title: SYNERGISTIC GOLD-CONTAINING COMPOSITIONS

Attorney's  
Docket No.: MIJ-001US

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Medical Innovations Limited  
ADDRESS OF SMALL BUSINESS CONCERN Unit 2, 83-85 Whiting Street, Artarmon, NSW 2064, Australia

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Jeffrey GOLDER

TITLE OF PERSON OTHER THAN OWNER Director

ADDRESS OF PERSON SIGNING \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_